

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

JOEL SHER,

Plaintiff,

v.

CITY OF HARVEY, a municipal
corporation, JAMES BROOKS,
NEAL FRUNDLE and JOHN DOE,

Defendants.

MAGISTRATE JUDGE ROSEMOND

01C 2252

JURY TRIAL DEMANDED

COMPLAINT

APR - 2 2001

FILED-ED4

01 MAR 30 PM 1:57

U.S. DISTRICT COURT

COMES the plaintiff, **JOEL SHER**, by Gregory A. Bedell of COLLINS & BARGIONE, his attorneys, and complains against the defendants, **CITY OF HARVEY**, a municipal corporation, **JAMES BROOKS**, **NEAL FRUNDLE** and **JOHN DOE**, as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter as it involves a claim raised under 42 U.S.C. §1983. This Court has jurisdiction over the state law claims pursuant to the principles of ancillary jurisdiction.

2. Venue is proper in this District as the Defendants are all reside or do business within the District. In addition, all material events underlying the claims made in this case occurred in this District.

BACKGROUND

3. Joel Sher ("Sher") is an individual living within the Northern District and is an officer of Sher Services, Inc., an Illinois corporation in good standing (the "Corporation").

4. The Corporation is engaged in several lines of business, including the supply of

H

raw materials to pet food companies. The Corporation owns and uses tanker trailers in the course of business. Most of the tankers are not used for over-the-road purposes; rather, they provide temporary, above ground storage capacity for the materials that the Corporation buys and sells. Tankers which are used for above ground storage are parked either on the grounds of the Corporation's place of business or at other locations with permission of the landowner.

5. The City of Harvey is a municipal corporation located within the Northern District of Illinois. James Brooks and Neal Frundle are members of the Harvey Police Department. "John Doe" is the name used herein for an administrative hearing officer of the City of Harvey who was presiding over hearings of City of Harvey citations on December 17, 1999. His real name is not currently; when he is identified through discovery, this Complaint will be amended to reflect his real name.

6. In or around the spring of 1999, the Corporation entered into an agreement with a company called Kappa Products under which Kappa allowed the Corporation to store tankers at its property at 1301 East 99th Street, Chicago, Illinois. The Corporation delivered a tanker to this location and set it up as a storage tank. The Corporation thereafter believed that the tanker was at all times secured at Kappa Products' location. At no time did Sher, either directly or indirectly, cause the tanker to be abandoned or left anywhere but at Kappa Products. The Corporation believed the tanker was valuable and, further, that it was holding valuable product. The Corporation never abandoned, and had no intention of abandoning, either the tanker or the product.

7. In early December, 1999, the Corporation received a "First Notice to Appear for Municipal Hearing" issued by the City of Harvey. The Notice (a copy of which is attached hereto as Exhibits 1 and by this reference is incorporated herein) reflected that two citations had

been issued in August, 1999, against the tanker and required that the Corporation appear on December 17, 1999 at the Harvey City Hall. The Corporation had not previously received any notice that the citations had been issued.

8. On December 17, 1999, Sher appeared on behalf of the Corporation at the Harvey City Hall. When the case was called, Sher stepped up before John Doe, the administrative hearing officer. Doe read the citations and then asked Sher to be seated and wait. (Sher believes the proceeding was tape recorded, which will provide a full transcript of the proceeding.) Sher is informed and believes that Doe summoned the Harvey police and demanded that they arrest Sher for illegal dumping.

9. While seated in the City Hall, Sher was approached by Neal Frundle who escorted him out of the hearing room, through the City Hall and outside where he was placed in the rear seat of Frundle's squad car. Sher was then driven to 147th Street and Spaulding in Harvey, Illinois, where Sher identified a tanker there as belonging to the Corporation. Sher was then driven back to City Hall where he was handcuffed and placed under arrest. When Sher asked why he was being arrested, Frundle informed him that he was being charged with the illegal dumping because he had abandoned the tanker.

10. Frundle took Sher to the Harvey police station he placed Sher in a locked cell. Sher remained in that cell for approximately 2 hours; Sher was then taken out of the cell and handcuffed to a chair in the station, in full view of other officers and the public. Sher remained there for another hour. Sher was then allowed to post \$100 on a \$1000 deposit bond and was released.

11. Prior to Sher's release, Frundle made a sworn criminal complaint against Sher charging him with "Illegal Dumping of Waste on Public Property," in violation of 415 ILCS

5/21(A). (A copy of this criminal complaint is attached hereto as Exhibit 2 and by this reference is incorporated herein.) Frundle described the offense by alleging that Sher:

knowingly caused or allowed the open dumping of any waste on public property to wit: above subject left a silver semi-tanker, VIN # 801940 parked on the side of the road. The vehicle was abandoned, the aluminum was removed, no plates and full of liquid waste.

12. Frundle also prepared an "Incident Report" of Sher's arrest in which Frundle states that he was dispatched to City Hall "in reference to illegal dumping." He further states that James Brooks advised him that Sher "had left a silver, semi tanker, VIN #801940 parked on the side of the road with the aluminum removed, no plates, abandoned full of liquid waste." The report also states that Sher was given "several notices of the violations." A copy of the Incident Report is attached hereto as Exhibit 3 and by this reference is incorporated herein.

13. As required under his bond, Sher appeared in the Sixth District Municipal Court in the Circuit Court of Cook County on February 10, 2000. At that time, Sher was represented by counsel who challenged the sufficiency of the allegations against Sher. The Court then held what it apparently considered a probable cause hearing. At this hearing, Frundle testified about his whereabouts and conduct *on December 17, 1999*. Frundle claimed in court that he did all of the following things on the 17th: he saw the trailer on the street, had it towed, found out the owner, contacted "him" by certified letter and arrested him when he showed up at the hearing. A copy of the transcript of the entire proceedings on February 10, 2000 is attached hereto as Exhibit 4.

14. Based on this testimony the judge found probable cause to make Sher answer charges and set the case over for hearing.

15. On April 3, 2000, the State moved to strike the case with leave to reinstate. The

Court granted this motion and the State never reinstated the case. The time within which the State could move to reinstate has elapsed.

COUNT I: CIVIL RIGHTS VIOLATION

16. As and for paragraph 16, Sher incorporates paragraphs 3 through 15 as if fully set forth herein.

17. At all times relevant, Doe, Brooks and Frundle were employees and agents of the City of Harvey and were acting under color of state authority.

18. At no time did the City of Harvey, Doe, Brooks or Frundle have any evidence, or even any reasonable basis to believe, that *Sher* “left a silver semi-trailer” on public property. As requested, Sher merely appeared on behalf of the corporate owner of the tanker at a civil hearing when the Corporation was sent the *first* notice.

19. Doe violated Sher’s civil rights by summoning the police to arrest Sher for illegal dumping without any factual basis to believe that Sher committed any crime.

20. Brooks violated Sher’s civil rights by directing Frundle to arrest Sher without any factual basis to believe that Sher committed any crime.

21. Frundle violated Sher’s civil rights by arresting Sher without probable cause and by twice giving false statements under oath in an effort to support Sher’s arrest and cause his conviction.

22. The actions of the defendants, and each of them, was willful and wanton as they recklessly ignored the truth, recklessly failed to investigate the truth before acting and intentionally fabricated allegations to cause Sher’s arrest and prosecution.

23. Sher was deprived of his Constitutional rights by being falsely arrested and imprisoned and by being prosecuted based on fabricated allegations.

24. Sher has been damaged by the defendants' actions. He was prevented from pursuing his livelihood during the period of incarceration and his appearances at court and he was required to expend funds to retain counsel to contest the charges against him that were ultimately stricken. Sher was also forced to endure the indignity of being arrested and handcuffed in public, being placed in a jail cell, being placed on display handcuffed to a chair in a police station and being prosecuted for a crime he did not commit.

25. Due to the willful and wanton conduct of the defendants, Sher should be awarded punitive damages. Municipalities and police Neals wield great amounts of power which can have devastating effects on real human beings if it is not used honestly and fairly. The defendants here abused their power and they did so knowingly or, at the very least, recklessly.

Wherefore, Sher prays this honorable Court grant his the following relief against the defendants, and each of them:

- a. award him his actual damages, as proved at trial
- b. award him punitive damages in the amount of \$5,000,000;
- c. award him his attorneys fees and costs associated with pursuing this action; and
- d. grant him such other and further relief as this honorable Court deems just.

COUNT II: FALSE IMPRISONMENT

26. As and for paragraph 26, Sher incorporates paragraphs 16 through 25 as if fully set forth herein.

27. The defendants' actions in causing Sher's arrest were not reasonable. Contrary to all of the allegations and sworn assertions, there was no evidence that Sher committed illegal dumping; no one witnessed Sher commit any crime because Sher did not commit any crime. Sher was falsely imprisoned due to the defendants' willful and malicious conduct.

28. Sher was humiliated by this occurrence. Innumerable people saw Sher arrested,

escorted out of City Hall in handcuffs and handcuffed to a chair in the police department.

29. Sher has been damaged by being falsely imprisoned. He was prevented from pursuing his livelihood during the period of incarceration and his appearances at court and he was required to expend funds to retain counsel to contest the charges against him that were ultimately stricken. Sher was also forced to endure the indignity of being arrested and handcuffed in public, being placed in a jail cell, being placed on display handcuffed to a chair in a police station and being prosecuted for a crime he did not commit.

30. Due to the willful and wanton conduct of the defendants, Sher should be awarded punitive damages. Municipalities and police Neals wield great amounts of power which can have devastating effects on real human beings if it is not used honestly and fairly. The defendants here abused their power and they did so knowingly or, at the very least, recklessly.

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- b. award him punitive damages in the amount of \$5,000,000;
- c. award him his attorneys fees and costs associated with pursuing this action; and
- d. grant him such other and further relief as this honorable Court deems just.

JOEL SHER

By: 

One of his attorneys

Gregory A. Bedell
Collins & Bargione
One North LaSalle Street
Suite 2235
Chicago, Illinois 60602
312.372.7813

City of Harvey
FIRST NOTICE TO APPEAR FOR MUNICIPAL HEARING

STATE OF ILLINOIS in the County of Cook for the Municipality of
the City of Harvey

THIS IS A NOTICE TO APPEAR. It is to inform you of your right to appear at a hearing to contest the violation notice(s) listed below on its merits or to prepay the amount(s) owing for the violation(s). As registered owner or lessee of the cited vehicle you have the right to contest the violation(s) notice(s) or you must pay the indicated fine and penalty amount(s).

Sher Services Co, Inc.
P.O.Box 09072
Chicago IL 60609

State License #: Make of Vehicle: VIM Color: SILVER
VIN # 801940

Citation #	Issued On	Violation	Prior To Hearing	At Hearing	Location
C151509	08/31/99	105	50.00	100.00	147TH & SPAULDING
NO VALID REG NO PLATE/STICK O					
P151510	08/31/99	53	50.00	100.00	147TH & SPAULDING
ABAND/INOPERABLE VEH (PRIVATE)					
TOTAL:\$			100.00	200.00	

NOTE: PAYMENT OF THE INDICATED FINE/PENALTY SHALL BE CONSIDERED AS A FINAL DISPOSITION AND APPEARANCE ON THE HEARING DATE SPECIFIED BELOW IS NOT REQUIRED.

You are to appear before the hearing officer at the time/place shown below.

Location: City of Harvey (708)331-3030
15320 S. Broadway Ave.
Harvey IL 60426

Day/Time: 01/07/00 10:00 AM

NOTICE: Failure to pay the indicated fine and penalty or to appear at the hearing specified above, will result in a final determination of standing, parking or compliance violation liability, for the cited violation(s), in the amount of the fine and penalty specified above, and upon the occurrence of a final determination of liability for the failure, and the exhaustion of, or failure to exhaust, administrative or judicial procedures for review which are available to you under municipal ordinances or state law, any unpaid fine or penalty will constitute a debt due and owing the municipality.



6-160
(Court Branch)10 FEB 00 AT 10 30 AM 204
(Court Date)

MISDEMEANOR COMPLAINT

(6/2/94) CCG 0655

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois
Plaintiff

v.

NO.

JOEL SHER

Defendant

OFFICER FRUNDLE #418

(Complainant's Name Printed or Typed)

complainant, now appears before

The Circuit Court of Cook County and states that

JOEL SHER

(defendant)

6542 N. NAVAJO, LINCOLNWOOD, ILLINOIS 60646

(address)

has, on or about

DECEMBER 17, 1999

(date)

147TH & SPAULDING, HARVEY, ILLINOIS 60426

(place of offense)

committed the offense of ILLEGAL DUMPING OF WASTE ON PUBLIC PROPERTY in that he/she
 KNOWINGLY CAUSED OR ALLOWED THE OPEN DUMPING OF ANY WASTE ON PUBLIC PROPERTY. TO WIT:
 ABOVE SUBJECT LEFT A SILVER SEMI-TANKER, VIN # 801940 PARKED ON THE SIDE OF THE ROAD.
 THE VEHICLE WAS ABANDONED, THE ALUMINUM WAS REMOVED, NO PLATES AND FULL OF LIQUID WASTE.

in violation of 415 Illinois Compiled Statute 5 21 (A)
 (Chapter) (Act) (Sub Section)

STATE OF ILLINOIS }
COOK COUNTY } ss.

Off. Frundle #418

(Complainant's Signature)

(708)331-3030

15301 S. DIXIE HIGHWAY, HARVEY, ILLINOIS 60426
(Complainant's Address) (Telephone No.)

OFFICER N. FRUNDLE # 418

(Complainant's Name Printed or Typed)

being first duly sworn, HIS on oath, deposes and says that he/she read the foregoing
 complaint by him/her subscribed and that the same is true.

Off. Frundle #418

(Complainant's Signature)

Subscribed and sworn to before me

DECEMBER 17, 1999

19

[Signature]
 (Judge or Clerk)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is
 probable cause for filing same. Leave is given to file said complaint.

Summons issued, Judge
 or
 Warrant Issued, Bail set at,
 or
 Bail set at, Judge

PLAINTIFF'S
EXHIBIT

2

Judge's No.

Judge's No.

HARVEY POLICE PROPERTY INCIDENT REPORT

JUVENILE ☐

INCIDENT		2. CTS 3. U		4. TAB		5. LOCATION		6. CRN	
ILLEGAL DUMPING		1				147 ST. AND SPANGLER HARVEY IL 60426		15382 - A 99	
COMPLAINANT				8. COMPLAINANT ADDRESS CITY STATE				9. BUSINESS PHONE	
CFL FRUNDLE #418				15301 DEXIE HWY HARVEY IL 60426				331-3030 708	
BEAT		12. DATE (OCC)		13. TIME		14. DATE (OCC)		15. TIME	
47		17 DEC 99		TO		1107		16. CLEARED BY: DATE	
								ARREST <input checked="" type="checkbox"/> SERVICE <input type="checkbox"/> UNFOUNDED <input type="checkbox"/>	
THEFT <input type="checkbox"/> RECOVER <input type="checkbox"/>		TOTAL NUMBER ARRESTED		21. STRANGER TO STRANGER		22. PREMISE		1. STREET	
A CITY C STATE		19. ADULT / 20. JUV.		YES NO UNK.		3. STORE		2. SVC. STATION	
D OTHER						4. BANK		5. COMMERCIAL	
						7.		6. RESIDENCE	
23. STOLEN <input type="checkbox"/>		24. TV. RADIO, ETC.		25. HOUSEHOLD GOODS		26. VEHICLES		27. U.S. CURRENCY	
RECOVERED <input type="checkbox"/>		30. BICYCLE		31. OFFICE EQUIP.		32. VEHICLE ACC.		33. FIREARMS	
LOST <input type="checkbox"/>								34. CONSUMER GOODS	
								35. OTHER:	
36. FIRM NAME				37. ADDRESS CITY STATE				38. BUSINESS PHONE	
CITY OF HARVEY				15301 DEXIE HWY HARVEY IL 60426				331-3030 708	
39. INDIVIDUAL NAME				40. ADDRESS CITY STATE				41. SOC. SEC. NO.	
								42. D.O.B.	
43. PREV INCIDENTS		44. POINT OF ENTRY		45. POINT OF EXIT		46. METHOD USED		47. INSTRUMENT USED	
48. ATTEMPTED AUTO THEFT		49. YEAR		50. MAKE		51. MODEL		52. STYLE	
STOLEN <input type="checkbox"/>								53. COLOR	
RECOVERED <input type="checkbox"/>		57. V.I.N.				58. IDENTIFYING ACCESSORIES OR DAMAGE		54. PLATE NO.	
SUSPECT <input type="checkbox"/>								55. STATE	
								56. YEAR	
59. WAS VEHICLE LOCKED — YES NO				61. ARTICLES IN AUTO				62. WHERE IMPOUNDED	
60. KEYS IN VEHICLE — YES NO									
63. ITEMS REMOVED BY STRIPPING				64. OWNER NOTIFIED				65. WHO NOTIFIED OWNER?	
				YES NO					
66. WANTED <input type="checkbox"/>		SUSPECT <input type="checkbox"/>		WITNESS <input type="checkbox"/>		ARRESTED <input checked="" type="checkbox"/>		LAST DRIVER <input type="checkbox"/>	
OTHER <input type="checkbox"/>									
67. NAME				68. ADDRESS CITY STATE				69. BUSINESS PHONE	
SHER, JOEL A				6542 N. NAVARRO AVE. LINCOLNWOOD IL				70. HOME PHONE	
71. D.O.B.		72. AGE		73. SEX		74. RACE		75. HGT.	
07 APR 55		44		M		W		507	
76. WGT.		77. HAIR		78. EYES		79. SKIN		80. DISTINGUISHING CHARACTERISTICS, SCARS, ETC.	
145		BLK		BRN		LIGH			
81. ALIAS				82. OCCUPATION				83. SOC. SEC. NO.	
				OWNER				336-52-5714	
84. POSSIBLE ASSOCIATES									
85. PARENTS CONTACTED BY:				86. DATE		87. TIME		88. JUVENILE OFFICER CONTACTED	
89. RELEASED TO:				90. DATE		91. TIME			
93. <input type="checkbox"/> I WILL PROSECUTE		94. <input type="checkbox"/> I DO		AUTHORIZE THE RELEASE OF INFORMATION TO THE NEWS MEDIA OTHER THAN THAT REQUIRED BY LAW.				95. SIGNATURE	
<input type="checkbox"/> I WILL NOT PROSECUTE		<input type="checkbox"/> I DO NOT						<input type="checkbox"/> VICTIM <input type="checkbox"/> COMPLAINANT	

ON 17 DEC 99 AT 1107 HRS REPORTING OFFICER (R/O) FRUNDLE #418 WAS DISPATCHED TO 15320 3. ROADWAY (HARVEY CITY HALL) IN REFERENCE TO ILLEGAL DUMPING. UPON ARRIVAL R/O SPOKE TO COMMANDER BROOKS WHO ADVISED THAT THE OFFENDER (O/P) SHER, JOEL A MALE, WHITE 507, 145 LBS D.O.B 07 APR 55 HAD LEFT A SILVER SEMI TANKER VIN# 801940 PARKED ON THE SIDE OF THE ROAD WITH THE ALUMINUM REMOVED, NO PLATES, ABANDONED FULL OF LIQUID WASTE. R/O WAS ADVISED THE O/P WAS GIVEN SEVERAL NOTICES OF THE VIOLATIONS R/O PLACED THE O/P INTO CUSTODY, READ HIS MIRANDA FROM A PRE-PRINTED CARD R/O TRANSPORTED THE O/P TO THE HARVEY P.D. FOR PROCESSING. THE O/P IS CHARGED WITH ILLEGAL DUMPING 415 - 5/21 (A) COURT DATE SET 10 FEB 00 IN RM 204 OF THE MARKHAM COURT 16501 KEDZIE. THE TRAILER WAS TOWED TO AND BY STEEL TOWING.

97. REPORTING OFFICER		STAR NO.		98. SUPPORTING OFFICER		99. DATE REPORT COMPLETED		100. TIME COMPLETED	
CFL FRUNDLE		418				17 DEC 99		1415	
101. APPROVING SUPERVISOR		STAR NO.		102. SUPPORTING OFFICER		103. REPORT REVIEWED BY			
CFL		381							

PLAINTIFF'S EXHIBIT

CRN 15382-999

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

JOEL SHER,

Plaintiff,

v.

**CITY OF HARVEY, a municipal
corporation, JAMES BROOKS
NEAL FRUNDLE and JOHN DOE,**

Defendants.

JURY TRIAL DEMANDED

The plaintiff, **JOEL SHER**, hereby demands trial by jury in this cause.

JOEL SHER

By: 

One of his attorneys

Gregory A. Bedell
Collins & Bargione
One North LaSalle Street
Suite 2235
Chicago, Illinois 60602
312.372.7813

JS 44
(Rev. 12/96)

CIVIL COVER SHEET JUDGE MORAN

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Joel Silver

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)

Cook

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

 COLLINS + Pyrgionis
 1 North LaSalle #2235
 CHICAGO IL 60602

DEFENDANTS

 City of Harvey a Municipal Corp
 James Brooks, Neal Frand
 and John Doe

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 881 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

42 USC 960 #1983

VII. REQUESTED IN COMPLAINT

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND:

☒ YES ☐ NO

VIII. This case

☐ is not a refiling of a previously dismissed action.☐ is a refiling of case number _____, previously dismissed by Judge _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

3-30-01

Gregory Beaudin